

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>RESPONSIVE INNOVATIONS, LLC</b>	)	<b>CASE NO.4:08CV1184</b>
<b>ET AL.,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>JUDGE CHRISTOPHER A. BOYKO</b>
	)	
<b>Vs.</b>	)	
	)	
<b>HOLTZBRINCK PUBLISHERS, LLC</b>	)	<b>ORDER</b>
<b>ET AL.,</b>	)	
	)	
<b>Defendant.</b>	)	

**CHRISTOPHER A. BOYKO, J:**

On April 10, 2013, the Court held a telephone status conference with counsel in the above-captioned case. As a result of the representations made at the conference, and in light of the pending motions before the Court, the Court will continue the trial set for May 20, 2013.

The Court had previously withheld ruling on certain issues presented in the parties' motions for summary judgment because they were dependent on the Court's construing additional disputed claim terms. The parties made their arguments in both their summary judgment motions and in their claim construction briefs based on their own proposed

constructions. The Court issued its new constructions on April 9, 2013. As a result, the Court orders the parties to consolidate their arguments, contained in both their summary judgment briefs and in their claim construction briefs, into a single supplemental brief on summary judgment. This will aid the Court by consolidating all the arguments in one brief and in the parties' respective opposition briefs. The Court will not consider any arguments made by incorporation (i.e. referring the Court to previously filed materials) but will only consider the arguments contained within the new supplemental briefs and opposition briefs. The supplemental summary judgment briefs shall be limited to the arguments raised in the original summary judgment briefs that were dependent on the new constructions. The parties shall refer to the Court's Opinion and Order at ECF #129 and its reservation of ruling as relates to the Nordic, X10 and FAP prior art references.

The Court will further consider in the supplemental summary judgment briefs Defendants' arguments on the *Beamish* reference as prior art. Much as the Court allowed Plaintiffs to substitute a new damages expert for which they alleged they could not have done within the allotted expert discovery period, the Court finds Defendants could not have discovered the *Beamish* reference during the relevant discovery period.

Supplemental cross briefs on summary judgment shall be submitted no later than May 13, 2013 and shall be limited to no more than 25 pages. Opposition briefs shall be filed no later than June 13, 2013, subject to the same page limitations. No reply briefs will be entertained. No additional prior art references will be considered and no further extensions will be granted. The parties shall submit a joint proposed schedule by April 15, 2013, on how they intend to proceed on expert discovery and *Daubert* challenges. The Court intends to have this case ready for trial by the last quarter of 2013. The parties shall consider this

when submitting their proposed schedule. Furthermore, as discussed at the conference, Defendants may file their Motion to Clarify no later than April 18, 2013. The Court needs no response to rule on its own Opinion.

IT IS SO ORDERED.

s/ Christopher A. Boyko  
CHRISTOPHER A. BOYKO  
United States District Judge

Dated: April 15, 2013